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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/881,591	06/14/2001	Howard A. Lindsay	35708.0300	6405
7590	10/07/2003		EXAMINER	HOOK, JAMES F
Snell & Wilmer L.L.P. One Arizona Center 400 East Van Buren Phoenix, AZ 85004-2202			ART UNIT	PAPER NUMBER
			3752	
DATE MAILED: 10/07/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	Applicant(s)
09/881,591	LINDSAY, HOWARD A.
Examiner	Art Unit
James F. Hook	3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1) Responsive to communication(s) filed on 05 September 2003.

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

4) Claim(s) 1-24 is/are pending in the application.

4a) Of the above claim(s) 13-24 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.7.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.  
5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of group I in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

### ***Claim Objections***

Claim 7 is objected to because of the following informalities: claim 7 does not have a period at the end and therefore is not considered a complete sentence. Appropriate correction is required.

It should be noted that claim 1 requires the rib be formed of at least one of a prepreg and a strand of fiber, and claim 9 recites that metal can be used for the rib, therefore, as best understood by the examiner it is considered that what normally would be called a wire in a reference is considered the equivalent of a metal strand of fiber as such appears to be the applicants interpretation of what a metal strand of fiber would be. Therefore, all rejections using references which teach a metal wire forming a rib on a tube is considered to be the equivalent of applicants strand of fiber which is made of metal.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

. A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Gillette. The patent to Gillette discloses the recited tubular structure comprising an outer surface and inner surface of a tubular structure 10, at least one raised rib 12 integrated with the inner surface, where the rib is considered to be a strand in that it is made from a steel wire, where the wall of the tubular structure is steel also therefore both the rib and the wall including its inside and outside surfaces are all made of the same material steel, the longitudinal axis of the tubular structure is in a straight line, and the rib can be seen to be oriented between 0 and 90 degrees relative to the longitudinal axis.

Claims 1, 2, 4, 6, and 7-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams (180). The patent to Williams discloses the recited tubular structure comprising an outer surface 16 and inner surface 18 of a tubular structure, at least one raised rib 12 integrated with the inner surface, where the rib is considered to be formed of at least one strand of plastic fiber, where the wall of the tubular structure is also formed of the same plastic fibers reinforcing a plastic binder therefore both the rib and the wall including its inside and outside surfaces which can also be made of the same plastics are all made of the same material, however since various plastics are able to be used and the fiber can be different than the plastic used for the wall surfaces it is also considered that Williams teaches different materials for the rib and walls, the longitudinal axis of the tubular structure is in a straight line and is cylindrical, where layer 14 is considered to be the equivalent of a veil layer made of the same composite

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material as the rib and aids in attaching the rib to the outer layer of the tube, and the rib can be seen to be oriented between 0 and 90 degrees relative to the longitudinal axis.

Claims 1, 2, 4, 6, and 8-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Kahn. The patent to Kahn discloses the recited tubular structure comprising an outer surface 17 and inner surface 13 of a tubular structure, at least one raised rib 19 integrated with the outer surface, where the rib is considered to be formed of at least one strand of plastic hollow fiber, where the wall of the tubular structure is also formed of a different material including plastics or rubbers, the longitudinal axis of the tubular structure is in a straight line and is cylindrical, where layers 14 or 18 are considered to be the equivalent of a veil layer made of the same composite material as used in the rest of the tube structure and aid it holding the rib material to the hose, and the rib can be seen to be oriented between 0 and 90 degrees relative to the longitudinal axis.

Claims 1-4, 6, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Kiuchi. The patent to Kiuchi discloses the recited tubular structure comprising an outer surface 20 and inner surface 10 of a tubular structure, at least one raised rib 40 integrated with the outer surface, where the rib is considered to be formed of at least one strand 42 of a plastic fiber, where the wall of the tubular structure is made of plastic also therefore both the rib and the wall including its inside and outside surfaces are all made of the same material plastic, the longitudinal axis of the tubular structure is in a straight line and cylindrical in shape, the cross-sectional shape of the tubular structure which according to claim 1 includes the inner surface, outer surface and rib forms an

ovoid shape, and the rib can be seen to be oriented between 0 and 90 degrees relative to the longitudinal axis.

Claims 1, 2, 5, 6, 8, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sherlock. The patent to Sherlock discloses the recited tubular structure comprising an outer surface and inner surface of a tubular structure cylindrical 10, at least one raised rib 22,24 integrated with the outer surface, where the rib is considered to be a strand in that it is made from a plastic coated metal wire, where the wall of the tubular structure is plastic and therefore the rib and the wall including its inside and outside surfaces are made of different material, the longitudinal axis of the tubular structure can be seen to include a bent angle, and the rib can be seen to be oriented between 0 and 90 degrees relative to the longitudinal axis.

Claims 1, 2, 4, 6, and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Heller, Jr. The patent to Heller, Jr. discloses the recited tubular structure comprising an outer surface 18 and inner surface 12 of a tubular structure 10, at least one raised rib 16 integrated with the inner surface, where the rib is considered to be formed of at least one strand of plastic fiber, where the wall of the tubular structure is also formed of the same plastic material, nylon, therefore both the rib and the wall including its inside and outside surfaces which can also be made of the same plastics are all made of the same material, however since polyester fibers are also able to be used and the wall surfaces can be nylon it is also considered that Heller, Jr. teaches different materials for the rib and walls, the longitudinal axis of the tubular structure is in

a straight line and is cylindrical, and the rib can be seen to be oriented between 0 and 90 degrees relative to the longitudinal axis.

Claims 1, 2, 4, 8, 9, 11, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Driver. The patent to Driver discloses the recited tubular structure comprising an outer surface and inner surface 10 of a tubular structure, at least one raised rib 2 integrated with the outer surface, where the rib is considered to be formed of at least one strand of hollow fiber, Driver teaches different materials for the rib and walls, the longitudinal axis of the tubular structure is in a straight line and is cylindrical, and the rib can be seen to be oriented between 0 and 90 degrees relative to the longitudinal axis, where sensor wires can be provided in the hollow fiber cavity.

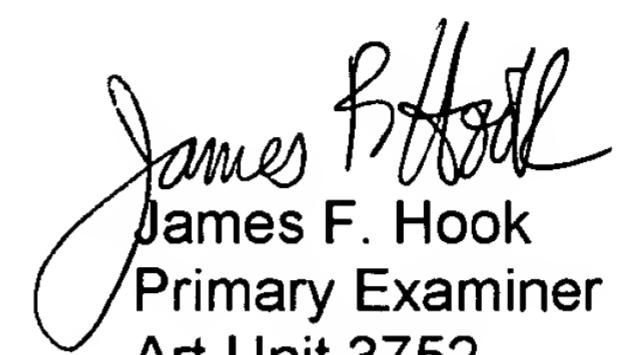
***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents to Welger, Alexander, Heller, Kutnyak, Williams (136), Patel, Smith, and Chick disclosing state of the art tubular structures provided with ribs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (703) 308-2913. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mar can be reached on (703) 308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.



James F. Hook  
Primary Examiner  
Art Unit 3752

JFH